

**LEGISLATIVE SERVICES AGENCY
OFFICE OF FISCAL AND MANAGEMENT ANALYSIS**

301 State House
(317) 232-9855

FISCAL IMPACT STATEMENT

LS 8016

BILL NUMBER: SB 486

DATE PREPARED: May 2, 2001

BILL AMENDED: Apr 29, 2001

SUBJECT: County Surveyors and Drainage Law.

FISCAL ANALYST: Chris Baker

PHONE NUMBER: 232-9851

FUNDS AFFECTED: **GENERAL
DEDICATED
FEDERAL**

IMPACT: Local

Summary of Legislation: (CCR Amended) This bill has the following provisions:

(A) Provides that if the assessment of land classified as a filter strip is not satisfactory to the owner, the owner may appeal the assessment to the county property tax assessment board of appeals.

(B) Allows the plan commission or county executive to request that the county surveyor prepare the county road maps. Prohibits the filing of a petition for establishing a drainage maintenance and repair district after June 30, 2001.

(C) Allows a county legislative body to pass an ordinance that prohibits a person from moving or altering a monument that is part of the National Spatial Reference System.

(D) Allows the county surveyor to maintain tax maps and plats.

(E) Makes changes regarding the following: (1) Clearing ditch obstructions. (2) The drain maintenance fund. Allows the county executive to appoint the county surveyor or the county agricultural educator to an area plan commission. Allows the county drainage board to collect a drain assessment if the unencumbered balance of the fund is equal to or greater than four times the estimated cost of periodic maintenance of the drain if the board meets certain requirements including a public hearing. Makes other changes concerning county surveyors.

(F) Allows the owner of a private drain to request a drainage board to regulate the private drain.

Effective Date: July 1, 2001; January 1, 2002.

Explanation of State Expenditures:

Explanation of State Revenues:

Explanation of Local Expenditures: (Revised) (A) Previously, filter strip classification appeals were directed to a board consisting of the county assessor, auditor, and treasurer. Any impact is considered to be minimal, assuming all duties and responsibilities are carried out fiscally by the County Property Tax Assessment Board of Appeals in similar fashion to the previous board.

(B) Counties may experience an increase in expenditures to pay for the County Surveyor's services in the preparation of road maps.

(D) The County Surveyor would be allowed to update annexation on the property tax records maintained in the Surveyor or Auditor's office. Additionally, the bill would require the County Surveyor to provide maintenance or replacement of worn maps and plats. Expenditures would not necessarily increase if the County Surveyors were already in the process of repairing or replacing these items.

(E) *Appointment of extra board member:* Additional expenditures could occur from the appointment of an extra member to a joint drainage board. Currently, a member of the County Drainage Board and each person employed by the board is paid at a rate equal to that provided by law for state employees for each mile necessarily traveled while performing the duties of the office. The county fiscal body may provide the members of the county executive who serve as members of the board with per diem for their services as members of the board, in an amount fixed by the county fiscal body for each day or major part of a day devoted to the work of the board. Each appointed freeholder member serving on the board is entitled to a per diem in an amount fixed by the county fiscal body for each day or major part of a day devoted to the work of the board.

Proportional Payment: Joint drainage board expenditures are to be paid proportionately by counties representing the total land assessment allocated that the joint drainage board is overseeing or from the Joint Drain's Maintenance Fund. Expenditures from the establishment of the Fund would probably be minimal.

Public Hearing for alleged obstruction of a drain: The County Drainage Board is required to provide notification by certified mail of any hearing being conducted as the result of a petition filed for alleged obstructions of a drain or natural surface watercourse. Rates for certified mail are as follows: \$1.90 for certification, \$0.34 first class postage (if mail weighs more than an ounce), and \$1.50 for certification card.

Public Hearing for unencumbered fund balances: The bill requires CDBs to notify property owners that may be assessed of a public hearing by publishing the announcement of the hearing in a local newspaper. Additionally, not less than thirty nor more than forty days before the date of the hearing concerning the estimation of the unencumbered balance, the Board is required to mail a copy of the notice in a five (5) day return envelope to each owner named in the schedule of assessments.

Under P. L. 64-1995, basic publishing charges are by the line with squares of 250 ems. Before January 1, 1996, the rate was three dollars and thirty cents (\$3.30) per square for the first insertion in a newspaper or qualified publication plus one dollar and sixty-five cents (\$1.65) per square for each additional insertion in a newspaper or qualified publication. After December 31, 1995, and before December 31, 2005, a newspaper or qualified publication may, effective January 1, increase the basic charges by five percent (5%) more than the basic charges that were in effect during the previous year. However, the basic charges for the first insertion of a public notice in a newspaper or qualified publication may not exceed the lowest classified advertising rate charged to advertisers by the newspaper or qualified publication for comparable use of the

same amount of space for other purposes. An additional charge of fifty percent (50%) is allowed for the publication of all public notice advertising containing rule or tabular work.

(F) If owners of private drains begin requesting the local drainage board for regulation of the drains, demands on the County Surveyor's resources would increase. The County Surveyor currently inspects mutual drains to determine if the drains meet the standards of design and construction. The inspection is carried out for all requests by all owners of mutual drains to have the mutual drains placed under the jurisdiction of a local drainage board. Under the bill, the County Surveyor would now have to inspect private drains if requested.

Explanation of Local Revenues: (Revised) (C) *Local Ordinance for National Spatial Reference System:* The county would be allowed by ordinance to prescribe a monetary penalty for moving a monument without complying with state law or that is a part of the National Spatial Reference System. Local revenues could increase for a county adopting an ordinance under this provision.

(E) *Public Hearing for unencumbered fund balances:* Currently, if the County Maintenance Fund in any year has an unencumbered balance equal to or greater than four times the estimated annual cost of periodically maintaining the drain for which the fund was established, the annual assessment for the maintenance of the drain is omitted for that year.

The bill allows the County Drainage Board the option to collect the drain assessment even if the unencumbered balance of the maintenance fund is equal to or greater than four times the estimated annual cost of periodic maintenance of the drain given that the County Drainage Board:

- Conducts a public hearing.
- The Board estimates, during the public hearing, what the unencumbered balance would be as a multiple of the estimated annual cost of maintaining the drain periodically after collection of assessments planed by the Board.

However, if the Board estimates the collection of the intended total amount of assessments increases the unencumbered balance of the maintenance fund equaling or exceeding eight times the estimated annual cost of drain maintenance, the annual assessment would not be collected. Revenue could increase if additional assessments are completed if the unencumbered balance of the fund is equal to or greater than four times the cost of maintenance yet less than eight times the cost of maintenance.

State Agencies Affected:

Local Agencies Affected: County Executives, County Legislative Bodies, County Surveyor's Office; County Property Tax Assessment Board of Appeals.

Information Sources: Travis Worl, Association of Indiana Counties, (317) 684-3710.